

**BEFORE THE
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against;**

JOSEPH DAVID SILVERSTEIN, P.A.

Case No. 950-2014-000185

**Physician Assistant License
No. PA 16833**

Respondent

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 29, 2018.

IT IS SO ORDERED: July 30, 2018.

PHYSICIAN ASSISTANT BOARD



Robert E. Sachs, P.A., President

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **JOSEPH DAVID SILVERSTEIN, P.A.**
13 **2920 Hyacinth Court**
14 **Thousand Oaks, CA 91360**

15 **Physician Assistant License No. PA 16833**

16 **Respondent.**

Case No. 950-2014-000185

OAH No. 2016100660

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Physician Assistant Board of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 **PARTIES**

24 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant
25 Board (Board). She brought this action solely in her official capacity and is represented in this
26 matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez,
27 Deputy Attorney General.

28 2. Respondent JOSEPH DAVID SILVERSTEIN, P.A. (Respondent) is representing

1 himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

2 3. On or about March 12, 2003, the Board issued Physician Assistant License No. PA
3 16833 to JOSEPH DAVID SILVERSTEIN, P.A. (Respondent). The Physician Assistant License
4 was in full force and effect at all times relevant to the charges brought in Accusation No. 950-
5 2014-000185, and will expire on June 30, 2020, unless renewed.

6 JURISDICTION

7 4. Accusation No. 950-2014-000185 was filed before the Board, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on July 18, 2016. Respondent timely filed his Notice of Defense
10 contesting the Accusation.

11 5. A copy of Accusation No. 950-2014-000185 is attached as exhibit A and incorporated
12 herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, and understands the charges and allegations in
15 Accusation No. 950-2014-000185. Respondent has also carefully read, and understands the
16 effects of this Stipulated Settlement and Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
19 his own expense; the right to confront and cross-examine the witnesses against him; the right to
20 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
21 the attendance of witnesses and the production of documents; the right to reconsideration and
22 court review of an adverse decision; and all other rights accorded by the California
23 Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 CULPABILITY

27 9. Respondent understands and agrees that the charges and allegations in Accusation
28 No. 950-2014-000185, if proven at a hearing, constitute cause for imposing discipline upon his

1 Physician Assistant License.

2 10. For the purpose of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
5 those charges.

6 11. Respondent agrees that his Physician Assistant License is subject to discipline and he
7 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
8 below.

9 CONTINGENCY

10 12. This stipulation shall be subject to approval by the Physician Assistant Board.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Physician
12 Assistant Board may communicate directly with the Board regarding this stipulation and
13 settlement, without notice to or participation by Respondent. By signing the stipulation,
14 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
15 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
16 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
17 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
18 the parties, and the Board shall not be disqualified from further action by having considered this
19 matter.

20 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

26 DISCIPLINARY ORDER

27 1. IT IS HEREBY ORDERED that Physician Assistant License No. PA 16833 issued to
28 Respondent JOSEPH DAVID SILVERSTEIN, P.A. is publicly reprovved for unprofessional

1 conduct.

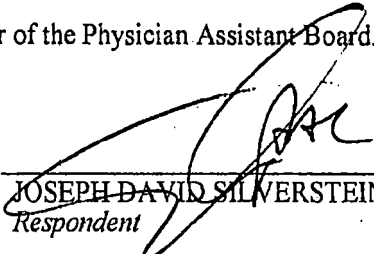
2 2. COST RECOVERY The respondent is hereby ordered to reimburse the Physician
3 Assistant Board the amount of \$2500 within 90 days from the effective date of this decision for
4 its investigative costs. Failure to reimburse the Board's costs for its investigation shall constitute
5 unprofessional conduct, unless the Board agrees in writing to payment by an installment plan
6 because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the
7 respondent of his/her responsibility to reimburse the Board for its investigative costs.

8 3. FULL COMPLIANCE This Stipulated Settlement and Disciplinary Order as
9 resolution to the charges in the Accusation is contingent upon Respondent's full compliance with
10 all conditions of this order. In the event that Respondent fails to fully satisfy the above
11 conditions, Respondent understand and agrees that the original Accusation shall be reinstated, and
12 Respondent agrees to waive any challenge based on the statute of limitations as to the original
13 Accusation. Respondent further understand and agrees that should he fail to comply with all
14 conditions of this Order, the Board will be entitled to proceed on the Accusation based on
15 Respondent's failure to comply with the above conditions, and Respondent specifically agrees
16 and stipulates that failure to fully comply with the above conditions shall constitute
17 unprofessional conduct and shall constitute cause for revocation of his license.

18 ACCEPTANCE

19 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
20 stipulation and the effect it will have on my Physician Assistant License. I enter into this
21 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
22 to be bound by the Decision and Order of the Physician Assistant Board.

23
24 DATED: 4/27/18

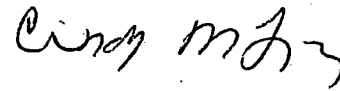

25 JOSEPH DAVID SILVERSTEIN, P.A.
26 Respondent

27 ENDORSEMENT
28

1 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
2 submitted for consideration by the Physician Assistant Board.

3 Dated: 7.27.18

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



CINDY M. LOPEZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 950-2014-000185

1 KAMALA D. HARRIS
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2 E. A. JONES III
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 18 2016
BY R. Firdaus ANALYST

8
9 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:
13 **JOSEPH DAVID SILVERSTEIN, P.A.**
2920 Hyacinth Court
14 Thousand Oaks, CA 91360
Physician Assistant License No. PA 16833

Case No. 950-2014-000185

A C C U S A T I O N

15
16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation solely in his official
21 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
22 Affairs.

23 2. On or about March 12, 2003, the Physician Assistant Board issued Physician
24 Assistant License Number PA 16833 to Joseph David Silverstein, P.A. (Respondent). The
25 Physician Assistant License was in full force and effect at all times relevant to the charges
26 brought herein and will expire on June 30, 2018, unless renewed.

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1 Code of Regulations, title 16, section 1399.521, in that he was grossly negligent in the care and
2 treatment of patient M.R. The circumstances are as follows:

3 A. Patient M.R. was a patient at Pacific Shores Hospital ("PSH") from July through
4 November 2011. Respondent diagnosed her with anxiety disorder, bipolar disorder and bulimia
5 nervosa. In the records, one of the doctors wrote that M.R. was to receive "no benzos or
6 narcotics" due to her history of substance abuse.

7 B. On July 28, 2011, Respondent performed an intake physical exam on M.R. At first
8 M.R. refused a breast exam because she had had one a few days before; despite this Respondent
9 examined and touched her breasts. Respondent pressured her to get one because M.R.'s
10 grandmother had breast cancer. However, the medical record told a different story; it indicated
11 the exam was "deferred" to the patient's primary care physician.

12 C. Within two weeks of being at PSH, Respondent started calling M.R. his "special
13 patient." He would come behind her and put his arms around her. They would talk in his office
14 with door closed. Respondent spoke with M.R. about sex and told her that the fact she was
15 bisexual was "hot." She said it made her feel like he wanted to sleep with her, that the attention
16 felt good at the time. M.R. was attracted to Respondent because he made her feel special.

17 D. On September 11, 2011, Respondent injected Marcaine, which is an anesthetic that
18 blocks nerve impulses that send pain signals to the brain. He did this for pain reduction. He had
19 M.R. take her pants and underwear down and lie face down. However, this injection was not
20 noted in the patient's progress note for that day. Later, M.R. appeared to have suffered an allergic
21 reaction to the drug. M.R. had a rash from head to toe and bad back pain. Apparently this
22 medication is not available in the hospital, so Respondent had to obtain it from outside the
23 hospital. In addition, hospital policy prohibits physician assistants from performing these
24 procedures.

25 E. During M.R.'s stay at PSH, Respondent discussed M.R.'s herpes in front of two other
26 patients.

27 F. M.R. had a bulging disk in her lower back, and when she asked the head psychiatrist
28 for a pain medication, she refused because of M.R.'s past history of substance abuse. However,

1 when M.R. told Respondent about her pain, he told her he had something that would make her
2 feel better. On November 13, 2011, Respondent wrote a prescription at an outside pharmacy for
3 Norco (Norco is a brand name for acetaminophen and hydrocodone) and, Valtrex (a medication
4 for Herpes). Respondent told her not to tell anyone.

5 G. After M.R. left PSH, Respondent contacted her for a few years sending her Facebook
6 messages and texting her.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Physician Assistant Board issue a decision:

- 10 1. Revoking or suspending Physician Assistant License Number PA 16833, issued to
11 Joseph David Silverstein, P.A.;
- 12 2. Ordering Joseph David Silverstein, P.A. to pay the Physician Assistant Board the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3; and,
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16
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19 DATED: July 18, 2016


20 GLENN L. MITCHELL, JR.
21 Executive Officer
22 Physician Assistant Board
23 Department of Consumer Affairs
24 State of California
25 Complainant

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